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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,991	02/09/2004	Ching-Chiang Yu	MR2349-1351	1285
4586	7590	09/14/2006	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			REHM, ADAM C	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/775,991	Applicant(s) YU ET AL.	
	Examiner Adam C. Rehm	Art Unit 2875	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 6-8, 10, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by ROHNE ET AL. (US 6,658,773) discloses a keyboard/key cap/upper cover (24 in Fig. 2) that is recognizable under a weak light source/monitor (Column 1, Lines 11-21) having:
  - A fluorescent material/ink (16, Column 3, Lines 54-55) for negative plate printing (Fig. 2);
  - A symbol (18) formed via normal ink (Fig. 2); and
  - A transparent plastic covering (12/14).
2. Claims 15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by KATRINECZ ET AL. (US 6,773,128), which discloses a keyboard upper cover with holes (100, Fig. 4) having phosphorescent/fluorescent material mixed therein that glows residually during and after illumination (Column 2, Lines 8-12).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2875

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over ROHNE ET AL. (US 6,658,773). ROHNE discloses the claims as cited above including negative plate printing (Fig. 2), but does not explicitly disclose the use of positive plate printing. However, negative and positive printing is well known and exist in applicant's admitted prior art (see *SHIPMAN*, US 6,217,183). Furthermore, it would have been obvious to one having ordinary skill in the art at the time of invention to alternate the inks to illuminate the symbol in the negative or positive, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

7. Claims 4, 5, 11, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over ROHNE ET AL. (US 6,658,773) as applied to Claims 1 and 8 above and KATRINECZ ET AL. (US 6,773,128) as applied to Claim 15 above, and further in view of SASAKI (US 6,917,005).

8. ROHNE and KATRINECZ disclose the invention as cited above, but do not disclose the use of transparent fluorescent ink utilizing positive and negative printing. However, SASAKI teaches the use of a transparent fluorescent ink (3) and normal ink (4) in order to allow use of a human interaction device/keyboard (1) in both light and dark environments (Column 4, Lines 39-47). It would have been obvious to one of ordinary skill in the art at the time of invention to modify ROHNE and use transparent fluorescent ink as taught by SASAKI in order to provide a human interaction device/keyboard that can be used in multiple environments. Furthermore, it would have

Art Unit: 2875

been obvious to one having ordinary skill in the art at the time of invention to alternate the inks to illuminate the symbol in the negative or positive, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

### ***Response to Arguments***

9. Applicant's arguments with respect to the Election/Restriction Requirement have been fully considered and are persuasive. Claims 1-18 have been examined on the merits while Claims 19 and 20 have been withdrawn pursuant to Applicant's arguments.

### ***Conclusion/Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ACR  
9/8/2006



THOMAS M. SEMBER  
PRIMARY EXAMINER